

Task: 4740

**STATE OF UTAH**  
**DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF OIL, GAS AND MINING**  
1594 West North Temple Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
Telephone: (801) 538-5291 Fax: (801) 359-3940

**APPROVED**

**MAY 14 2012**

DIV. OIL GAS & MINING

**NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS**

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program (R647). The rules and Act are available online at <http://www.rules.utah.gov/publicat/code/r647/r647.htm> and [http://le.utah.gov/~code/TITLE40/40\\_08.htm](http://le.utah.gov/~code/TITLE40/40_08.htm).

Cultural Resources Survey: To fulfill its obligations under Utah Code Annotated 9-8-404, the Division needs cultural resource (archaeology) information. The amount and type of information required will depend on the mine location, the history of previous disturbance, and other factors. Please contact the Division for further information.

A permit fee of \$150 or \$500 must accompany this application (Utah Code Ann. §40-8-7(1)(i)) and is due annually. The fee is \$150 for a mine with a disturbed area of five acres or less, and the fee is \$500 if the disturbed area is between five and ten acres.

"Small Mining Operations" are operations which have a disturbed area of ten or fewer surface acres at any time in unincorporated areas, or five acres or fewer in incorporated areas.

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**I. GENERAL INFORMATION** (Rule R647-3-104)

1. Name of Mine: Nielson Construction Limestone Mine
2. Operator Name (Legal Name): Nielson Construction

Mailing Address: P.O. Box 620

City, State, Zip: Huntington, Utah, 84528

Phone: (435)687-2494 Fax: (435)687-9721

E-mail Address: Waynemc@nielsonconstruction.com

Type of Business: Corporation ( x ), LLC (    ), Sole Proprietorship (dba) (    )  
General Partnership (    ), Limited Partnership (    ), Individual (    ).

**Business Entity (not individuals) must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC)** If not currently registered, contact [www.commerce.utah.gov](http://www.commerce.utah.gov) to renew or apply. Business Entity #: \_\_\_\_\_

Local Business License #: 2105 (if required)

Issued by: County: \_\_\_\_\_ or City: Huntington Utah

**3. Contact Person(s):**

Registered Utah Agent (as identified with the Utah DOC) (if individual leave blank):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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**I.3. Contact Person(s) (continued):**This person to be notified for: permitting ( X ) surety ( X ) (check all that apply)Name: W. Wayne McCandless Title: \_\_\_\_\_Address: PO BOX 620City, State, Zip: HUNTINGTON UT 84528Phone: (435)687-2494 Fax: (435)687-9721Emergency, Weekend, or Holiday Phone: (435)749-1563

E-mail Address: \_\_\_\_\_

This person to be notified for: permitting (    ) surety (    ) (check all that apply)

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Emergency, Weekend, or Holiday Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**4. If Business is a Sole Proprietor (dba) or Individual:**

Name of Owner: \_\_\_\_\_ Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**If Business is a Corporation:**Name of Officers: Wayne L. Nielson Title: PresidentName: John W. Nielson Title: Vice President

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Headquarters Address: PO BOX 620City, State, Zip: HUNTINGTON, UTAH, 84528Phone: (425)687-2494 Fax: (435)687-9721E-mail Address: nielsonconstruction.com**If Business is a Limited Liability Company: Member Managed (    ) Manager Managed (    )**Name of 1<sup>st</sup> Member/Manager: \_\_\_\_\_ Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Name of 2<sup>nd</sup> Member/Manager: \_\_\_\_\_ Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**If Business is a Partnership:**

Names of Partners: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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## 5. Ownership of Land Surface:

Private (Fee) (X) BLM ( ) US Forest Service ( )  
 State Trust Land/School Sections ( ) State Sovereign Lands ( )  
 Other (please describe):

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Name James T. Jensen Address 2961 CAITLAND COURT SLC, UT 84121

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

## 6. Ownership of Minerals:

Private (Fee) ( ) BLM ( ) US Forest Service ( )  
 State Trust Land/School Sections (X) State Sovereign Lands ( )  
 Other (please describe):

Name John T. Bake Address 2961 Caitland Court Salt Lake City, UT 84121

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

BLM Claim Number(s): \_\_\_\_\_

Utah State Lease Number(s): \_\_\_\_\_

BLM/USFS Lease or Project File Number(s): \_\_\_\_\_

Name of Lessee(s): \_\_\_\_\_

7. Have the above surface and mineral owners been notified in writing? Yes X No \_\_\_\_\_  
 If no, why not? \_\_\_\_\_

8. Does the Entity have legal right to enter and conduct mining operations on the land covered by this notice? Yes X No \_\_\_\_\_

*Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration prior to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.*

II. **PROJECT LOCATION & MAP** (Rule R647-3-105)1. **Project Location & Map** (legal description):County(ies): UtahNE 1/4, of SE 1/4, of 1/4, Section: 32 Township: 11 So Range: 9 EastSE 1/4, of SE 1/4, of 1/4, Section: 32 Township: 11 So Range: 9 East1/4, of 1/4, of 1/4, Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

UTM East: \_\_\_\_\_ (if known) UTM North: \_\_\_\_\_ (If known)

Name of Quad Map for Location: \_\_\_\_\_

2. **Is the project within an incorporated area?** ( ) Yes (X ) No  
 If yes, what is the town or city? \_\_\_\_\_

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3. **Location and Operations maps** must be plotted at a scale to accurately identify locational landmarks and operations details. All maps must include a north arrow, scale, appropriate labels, and title box including the mine name, township, range and section.
  - a. The **general location map** must be the scale of a USGS 7.5 minute series map or equivalent (1"=2000') and identify new or existing access roads.
  - b. The **operations map** (1"=200' or other scale as determined necessary by the Division) must be labeled and identify:
    - i. The area to be disturbed;
    - ii. The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned activities; and
    - iii. Any adjacent previous disturbance for which the operator is not responsible.

(Contact the Division for a list of consultants and land surveyors for mapping assistance.)
4. The proposed (10 acre or less) disturbed area (including access/haul roads) should be marked ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

### III. **OPERATION PLAN** (Rule R647-3-106)

1. **Type of mining:** Surface (☒) Underground (☐)
2. **Mineral(s) to be mined:** Limestone
3. **Amount of material** to be extracted, moved, or proposed to be moved: 64,000 Tons
4. Will any **water, liquid chemicals, reagents, or other solutions** be used, produced or discharged as part of the mining or milling process? Yes (☐) No (☒) If yes, please describe (add extra pages if needed): \_\_\_\_\_
5. Provide a brief **description of the proposed mining operation**, and onsite processing facilities (add extra pages if necessary). Drill Limestone and blast it. Load it into a crusher and crush it. Work will be performed in the presently disturbed area for the current year, with reclamation of previously mined areas to allow us to expand the operation next year. The map shows the areas intended to be mined in future years. This process will be slowed due to the need to keep the total area at 10 acres. Reclamation requirements will likely allow 3 to 5 acres of expansion each year.
6. (☒) **New Road(s):** Length 1320(ft), Width 24 (ft)
7. (☐) **Improved Road(s):** Describe improvements that need to be made to existing roads to access the site, including the Length None (ft) and Width \_\_\_\_\_ (ft) of new disturbances.
8. Total project surface **acreage to be disturbed:** 10 (acres) PLEASE SPECIFY EXACT ACREAGE (this will be used to determine surety bond amount – see #VI).

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9. Proposed **startup date** (month, year): Continuation of existing permit
10. Proposed **completion**, if known (month, year): \_\_\_\_\_



**IV. OPERATION AND RECLAMATION PRACTICES** (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover or within practical limits. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining. Please refer to The Practical Guide to Reclamation in Utah, available at:

[https://fs.ogm.utah.gov/pub/MINES/Coal\\_Related/RecMan/Reclamation\\_Manual.pdf](https://fs.ogm.utah.gov/pub/MINES/Coal_Related/RecMan/Reclamation_Manual.pdf).

1. *Keep the mining operation in a safe, clean, and environmentally stable condition.*
2. *Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.*
3. *Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.*
4. *Construct berms, fences, or barriers, when needed, above highwalls and excavations.*
5. *Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.*
6. *Remove all waste or debris from stream channels.*
7. *Dispose of any trash, scrap metal, wood, machinery, and buildings.*
8. *Conduct mining activities so as to minimize erosion and control sediment.*
9. *Reclaim all roads that are not part of a permanent transportation system.*
10. *Stockpile topsoil and suitable overburden prior to mining.*
11. *Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.*
12. *Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.*
13. *Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)*
14. *Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.*

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**V. VARIANCE REQUEST** (Rule R647-3-110)

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**Any variance must be approved writing in advance by the Division**

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above (see IV. Operation and Reclamation Practices Item # 1-14), should be identified below listing applicable rule number. Give justification for the variance(s) and alternate methods or measures to be utilized to meet the intent of the rule. Written approval from the Division will be given, if the proposed alternative methods to be used are consistent with the Act.

Are variances being requested? Yes ( X ) No (    )

Variance Requested

See Below

Item #            Applicable Rule

Justification: R647-3-110 Request for Variance

Description:

A variance is requested to the requirements of Rule R647-3-109.14, which requires that vegetation be established for one growing season before the area is not considered toward the acreage of a small mining operation. I propose to have areas that have been regraded and are ready for seeding, be excluded from the acreage for the basis of determination of a small mining operation. At no time will the actual 'non regraded' disturbances exceed the limits for a small mining operation.

Justification:

Reclamation work needs to be completed at the end of the seasonal work, not the beginning. This allows for maximum area to be reclaimed each year, as well as taking advantage of the ideal fall seeding window for successful vegetation establishment. Without this variance, I would need to shut down every other year to allow for the vegetation to be established for a growing season (May – September) before I could disturb the next acre. Seeding of all regraded areas would be done during the optimal planting window of October to March of each year.

Surety adjustments:

All disturbances will have adequate surety maintained. For areas that have been regraded, but vegetation standards have not been met, the surety may be reduced (on a per acre basis) to cover the costs of reseeding. Only areas that have met the reclamation standards and have been fully released by the Division will be eliminated from the surety calculations.

Summary:

Since all earthwork will be completed, and the Division will hold a reclamation surety to re-seed the area if necessary, I believe that granting this variance would be consistent with the intent of the act to reclaim mining disturbances.

Alternate methods or measure to be utilized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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VI. **SURETY** (Utah Code Ann. §40-8-7(1)(c))

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**A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations. No surface disturbance is authorized until the surety is posted and approved in writing.** The surety may be provided in the form of a certificate of deposit, a letter of credit, a surety bond, or cash. Please contact the Division for further information about submitting the surety. All mining operations are required to furnish and maintain reclamation surety to guarantee that the land affected is reclaimed (Utah Code Ann. §40-8-7(1)(c)).

The reclamation surety amount is based on the nature, extent and duration of operations. The amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions. Reclamation surety for small mines is reviewed every three (3) or five (5) years and adjusted as necessary for inflation/deflation based upon acceptable Costs Index. **Contact the Division for the dollar amount required for a three (3) or five (5) year period for this project.**



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**VII. PERMIT FEE [Mined Land Reclamation Act 40-8-7(1)(i)]**

The Utah Mined Land Reclamation Act of 1975 [40-8-7(1)(i)] provides the authority for the assessment of permitting fees. Commencing with the 1998 fiscal year (July 1 - June 30), permit fees are assessed to new and existing notices of intention, and annually thereafter, until the project disturbances are successfully reclaimed by the Permittee / Operator and released by the Division.

**Small Mine Notices require a \$150.00 fee which must accompany this application or it cannot be processed by the Division.**

**NOTICE:** The following person(s) are authorized and designated to receive Notices of Violations, Cessation Orders and all other Notices required by the Division to be given to the permittee or operator:

Name: WAYNE L. NIELSON  
Address: BOX 620 / 825 N. 6000 ROAD  
City, State, Zip: HUNTINGTON, UT. 84528  
Phone: (435) 687-2491 Fax: (435) 687-9721  
E-mail Address: niesonk@etv.net

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**VIII. SIGNATURE REQUIREMENT**

I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

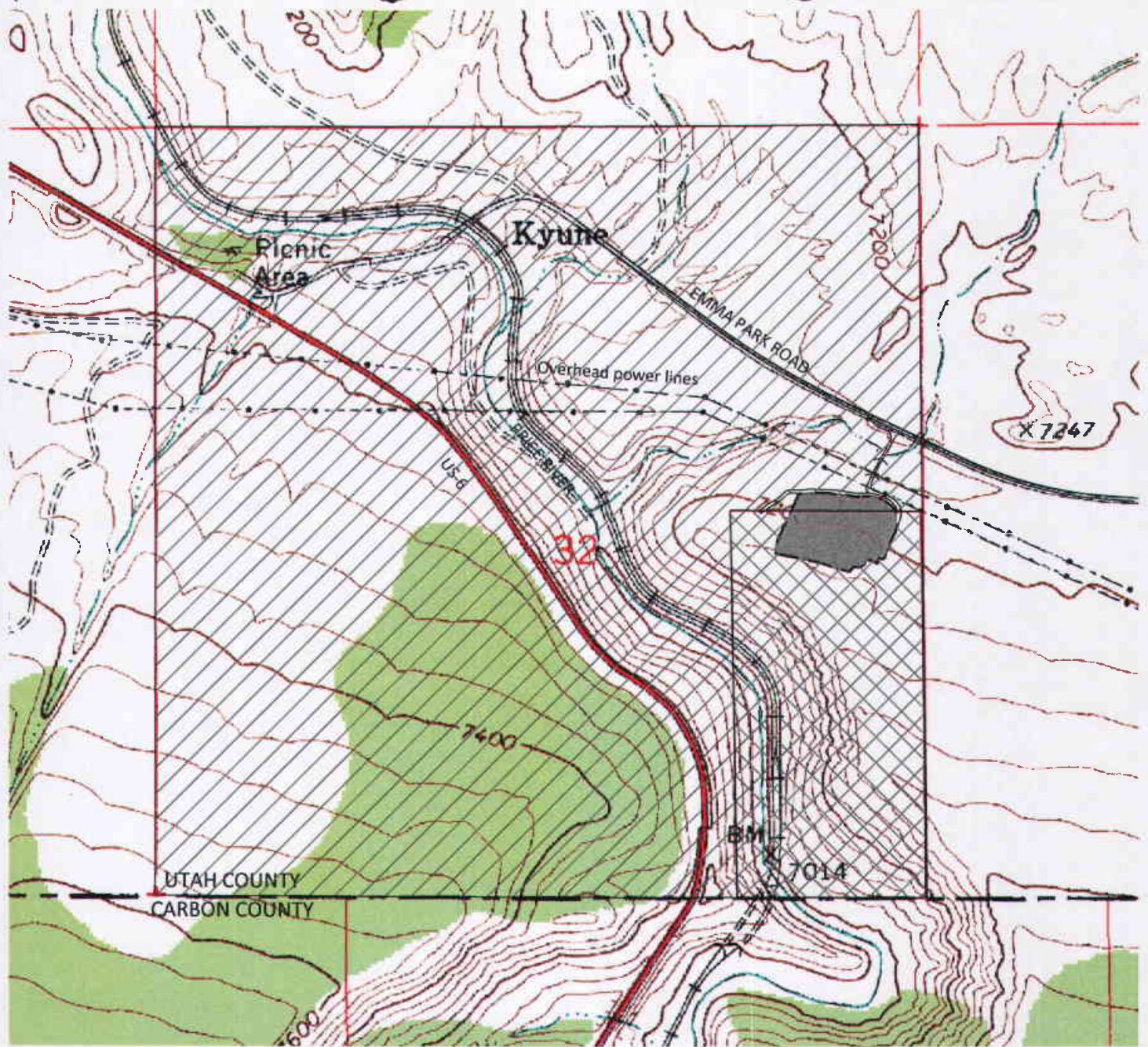
**(Please check the box and place your initials on the line provided)**

- ☒ I have enclosed the required permit fee.  
☒ I have also enclosed the appropriate reclamation surety amount or have made arrangements as to when the surety will be furnished.  
☒ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Oil, Gas and Mining and any other authorized regulatory agency.

**(Note: If a company or corporation, this form must be signed by the owner or officer who is authorized to bind the company/corporation to this Notice.)**

Signature of Permittee/ Operator/ Applicant: Wayne L. Nielson  
Name (typed or printed): WAYNE L. NIELSON  
Title/Position (if applicable): PRESIDENT  
Date: 6/6/05





# LEGEND:

-  SURFACE RIGHTS
-  MINERAL RIGHTS
-  PRESENT PIT AREA

# PROPERTY DESCRIPTION:

SURFACE RIGHTS, JIM JENSEN  
ALL OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 9 EAST, SLB&M.

MINERAL RIGHTS, SITLA  
THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 9 EAST, SLB&M.

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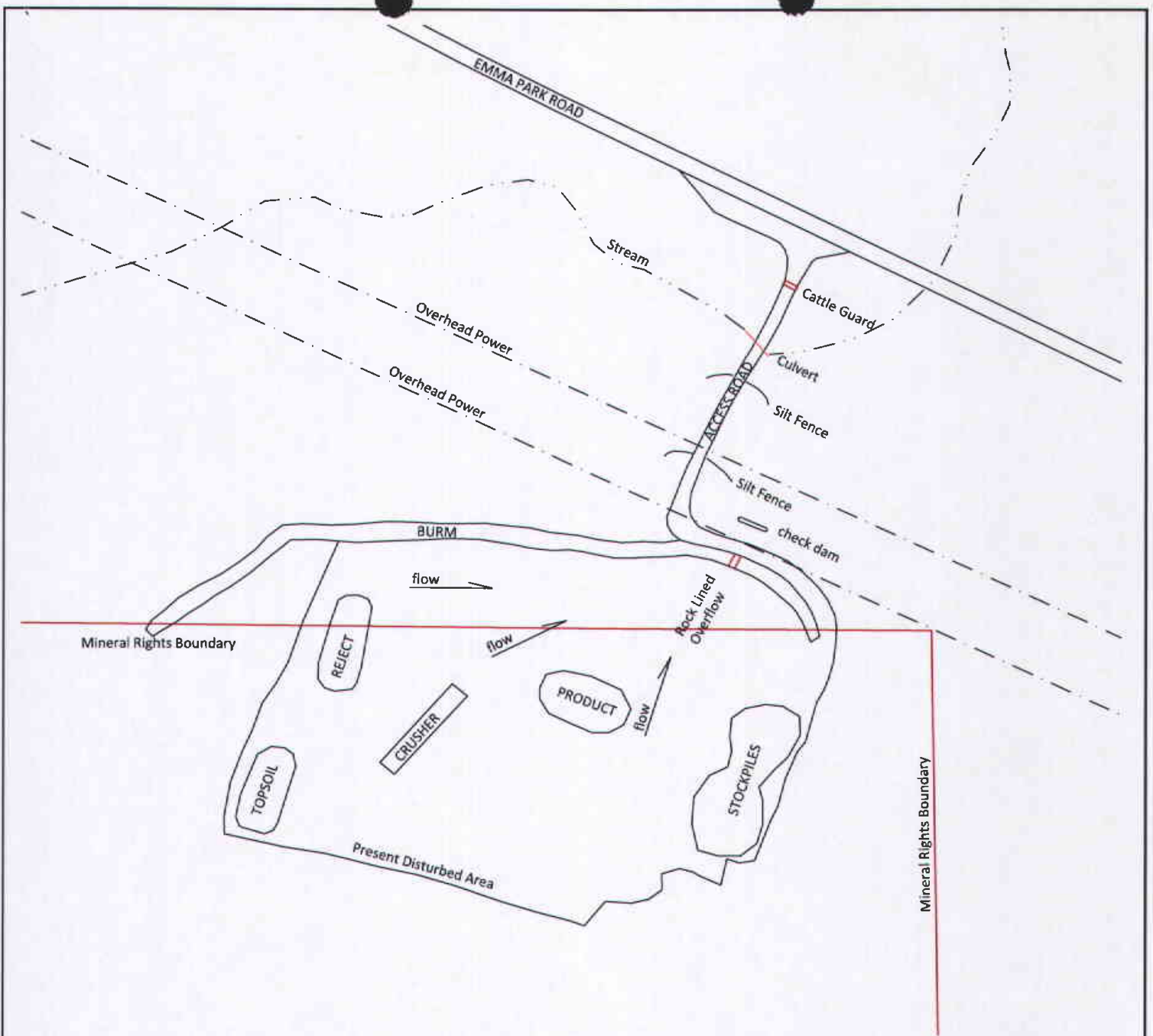
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SCALE: 1" = 1000'

SHEET NO.  1	PROJECT	NIELSON CONSTRUCTION CO.	NIELSON CONSTRUCTION COMPANY			SECTION 32 T. 11 S., R. 9 E. SLB&M	
		EMMA PARK PIT					
	PROJECT NUMBER	M/049/0052	 <b>ENGINEERING INC.</b> BOX 487, CASTLE DALE, UTAH 84513 (435) 381-2523 FAX (435) 381-2522 email jt@etv.net				
		LAND OWNERSHIP MAP					
			DRAWN BY	LMS			
			SURVEYED BY	JLK			
			CHECKED BY	BHT			





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SCALE: 1" = 200'

SHEET NO.  2	PROJECT	NIELSON CONSTRUCTION CO.	NIELSON CONSTRUCTION COMPANY				SECTION 32 T. 11 S., R. 9 E. SLB&M	
		EMMA PARK PIT						
	PROJECT NUMBER	M/049/0052	<div><div>phansen &amp; buttle ENGINEERING INC. BOX 467, CASTLE DALE, UTAH 84513 (435) 381-2523 FAX (435) 381-2522 email jt@ebv.net</div></div>					
	EXISTING FACILITIES							
				DRAWN BY	LMS			
			SURVEYED BY	JLK				
			CHECKED BY	BHT				



SCALE: 1" = 400'

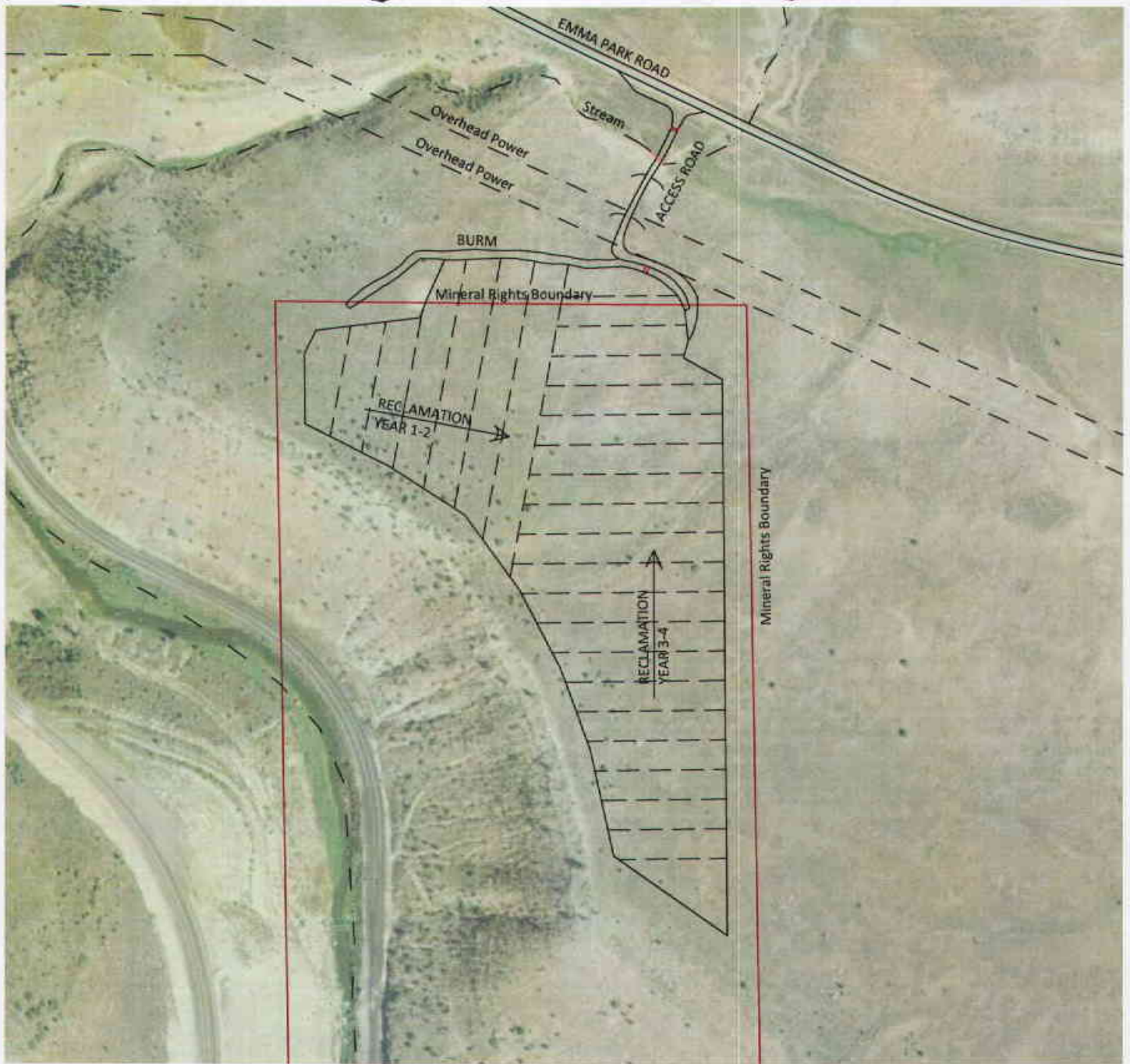
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SHEET NO.  3	PROJECT	NIELSON CONSTRUCTION CO.	NIELSON CONSTRUCTION COMPANY				SECTION 32 T. 11 S., R. 9 E. SLB&M	
		EMMA PARK PIT						
	PROJECT NUMBER	M/049/0052	 ENGINEERING INC. BOX 487, CASTLE DALE, UTAH 84513 (435) 381-2523 FAX (435) 381-2522 email jct@etv.net					
	FUTURE DEVELOPMENT							
			DRAWN BY	LMS				
		SURVEYED BY	JLK					
		CHECKED BY	BHT					





SCALE: 1" = 400'

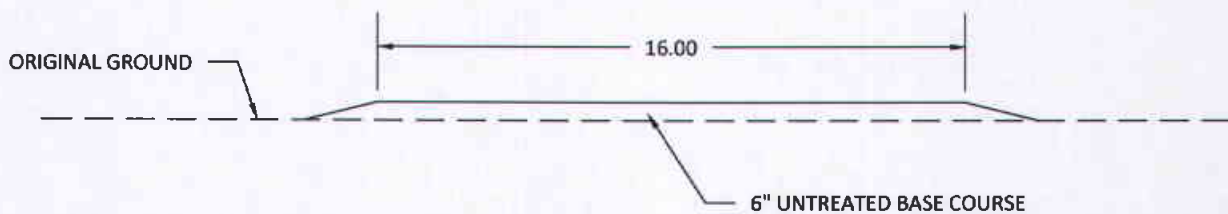
NOTE:  
AFTER FINAL RECLAMATION OF PIT AREA IS COMPLETE,  
RECLAIM BERM AND ACCESS ROAD.

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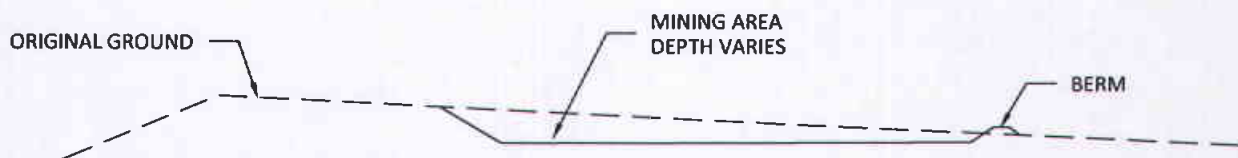
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SHEET NO.  4	PROJECT	NIELSON CONSTRUCTION CO.	NIELSON CONSTRUCTION COMPANY				SECTION 32 T. 11 S., R. 9 E. SLB&M			
		EMMA PARK PIT								
	PROJECT NUMBER	M/049/0052	 <b>phansen &amp; tuttle</b> ENGINEERING INC. BOX 487, CASTLE DALE, UTAH 84513 (435) 381-2523 FAX (435) 381-2522 email jt@ecv.net						DRAWN BY	LMS
	RECLAMATION PLAN								SURVEYED BY	JLK
CHECKED BY			BHT							



TYPICAL SECTION ACCESS ROAD



TYPICAL SECTION MINING AREA

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SHEET NO.  5	PROJECT	NIELSON CONSTRUCTION CO.	NIELSON CONSTRUCTION COMPANY				SECTION 32 T. 11 S., R. 9 E. SLB&M			
		EMMA PARK PIT								
	PROJECT NUMBER	M/049/0052	 BOX 487, CASTLE DALE, UTAH 84513 (435) 381-2523 FAX (435) 381-2522 email JB@etv.net						DRAWN BY	LMS
	TYPICAL SECTIONS								SURVEYED BY	JLK
						CHECKED BY	BHT			